

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES

v.

DAVID HARVILLE *et al.*

Case No. 1:20-cr-10263-PBS-2

**DEFENDANT DAVID HARVILLE’S SECOND ASSENTED-TO MOTION TO
EXTEND DEADLINE FOR DEFENDANTS TO FILE ANY OBJECTIONS TO
MEMORANDUM AND ORDER ON MOTIONS TO COMPEL DISCOVERY**

NOW COMES defendant David Harville (hereinafter, “Harville”) in the above-captioned matter pursuant to Fed. R. Crim. P. 59(a) and respectfully moves this Honorable Court, with the assent of the Government, to extend the deadline for Harville and co-defendant Jim Baugh to file an objection to *Memorandum And Order Re: Defendant David Harville’s Motion To Compel Discovery* (Docket Entry # 73); *Defendant Jim Baugh’s Motion To Compel Discovery* (Docket Entry # 77) (hereinafter, the “Order”). See Document No. 122.

The undersigned counsel for Harville submits the following in support of the within motion:

1. The Court (Bowler, U.S.M.J.) issued the Order on December 1, 2021, and therefore, under Fed. R. Crim P. 59(a), any objection(s) shall be filed within fourteen (14) days, unless otherwise ordered by the Court.

2. This Honorable Court (Saris, J.) previously allowed *Defendant David Harville’s Second Assented-To Motion To Extend Deadline For Defendants To File Objection To Memorandum And Order On Motions To Compel Discovery* (Document No. 130) extending the deadline to December 31, 2021.

3. The undersigned counsel had a change in vacation plans due to the logistical risk of a delayed return to the United States from international travel given the unpredictability of the ongoing COVID-19 pandemic.

4. Counsel for both defendants continue to review the Order to determine if an objection will be filed under Fed. R. Crim. P. 56(a), and if so, the scope of the objection, and whether the defendants will file a joint objection in the interests of judicial economy. A further extension of the deadlines to file any objections to the Order (and for the Government to respond thereto) would not impact the current scheduling of the above-captioned matter.

5. Given the foregoing reasons and the approaching New Year holiday, Harville respectfully requests a second extension to **January 5, 2022** for both defendants to file any objection to the Order. If the Court allows the extension of time sought herein, defendants assent to the Government having until **January 19, 2022** (or any date ordered by the Court) to file any response to the objection(s).

WHEREFORE, defendant David Harville respectfully requests this Honorable Court allow the within motion.

Respectfully submitted,

DEFENDANT DAVID HARVILLE

By his attorneys,

/s/ Daniel K. Gelb

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CERTIFICATE OF SERVICE

The undersigned counsel certifies that on December 29, 2021 this document was electronically filed with the Clerk of Court for the United States District Court for the District of Massachusetts using the CM/ECF system, which will send a notice of electronic filing (NEF) to all registered participants in the above-captioned action.

/s/ Daniel K. Gelb
Daniel K. Gelb, Esquire